

# RECLAMATION

*Managing Water in the West*

## FINDING OF NO SIGNIFICANT IMPACT

# 2010 Renewal of Cross Valley Interim Water Service Contracts and Delta/San Felipe Division Contracts through February 29, 2012

FONSI-09-126

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# Finding of no Significant Impact

## 2010 Renewal of Cross Valley Interim Water Service Contracts and Delta/San Felipe Division Contracts through February 29, 2012

In accordance with section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the South-Central California Area Office of the U.S. Bureau of Reclamation (Reclamation), has determined that the execution of up to nine Cross Valley and Delta/San Felipe Interim Renewal Water Service Contracts (see Table 1 below) for up to a two-year period from March 1, 2010 through February 29, 2012 is not a major federal action that would significantly affect the quality of the human environment and an environmental impact statement is not required. This Finding of No Significant Impact is supported by Reclamation's Environmental Assessment (EA) Number EA-09-126, *"2010 Renewal of Cross Valley Interim Water Service Contract sand Delta/San Felipe Division Contracts through February 29, 2012"*, and is hereby incorporated by reference.

## Background

Section 3404(c)(1) of the Central Valley Project Improvement Act (CVPIA) authorizes and directs Reclamation to prepare appropriate environmental review before renewing an existing water service contract for a period of 25 years. When that directive is not yet satisfied, Reclamation shall renew water contracts for an interim period not to exceed three years and for successive interim periods not to exceed two years. Because nine interim renewal contractors' existing interim contracts will expire February 28, 2010, and Reclamation has not yet completed appropriate environmental review of a 25-year water service contract, Reclamation will execute nine interim water service contracts. The Proposed Action, therefore, is the execution of these nine interim renewal contracts with the United States, for two years with contract provisions as described within the EA. The 134,560 acre-feet of water available to these contractors under the contract provisions of the Proposed Action will remain the same as in the existing interim contracts.

Reclamation initially prepared an EA in December 1994 to evaluate potential impacts of interim renewal of 67 water service contracts from December 1994 through February 1998. The 67 contracts considered in the 1994 EA were reduced to 54 through consolidation, termination, or assignment. A FONSI for that action was issued in December 1994.

Reclamation completed supplemental EAs in February 1998, February 2000, February 2001, February 2002, and February 2004, February 2006 to evaluate potential impacts from interim renewal contracts for an additional two years from March 1998 through February 2000, an additional one-year from March 2000 to February 2001, an additional two years from March 2002 to February 2004, an additional two years from March 2004 to February 2006, an additional two years from March 2006 to February 2008, and an EA for two years from March 2008 to February 2010. FONSIs for the 1998, 2000, and 2001, 2002, 2004, 2006, and 2008 interim contracts renewals were approved.

The Proposed Action includes terms and conditions required by non-discretionary CVPIA provisions and are consistent with the Preferred Alternative of the CVPIA Programmatic Environmental Impact Statement. The contract provisions of the Proposed Action have been adapted for an interim period, and exclude tiered pricing (Section 3405(d) of the CVPIA does not require tiered pricing to be included in contracts of three years or less in duration and negotiations concluded with a form of contract which does not include tiered pricing).

Reclamation posted the draft EA/FONSI on Reclamation's website. The public review period began January 26, 2010 and ended February 16, 2010. Reclamation did not receive any comments during the review period.

Reclamation's finding that implementation of the Proposed Action will result in no significant impact to the quality of the human environment is supported by the following findings:

## **Findings**

### **Water Resources**

No interim renewal contract included in this action will change contract water quantities from the quantities in the existing contracts, and none will cause any increased water use. Therefore, there will be no significant impact on surface water supplies or quality. For the same reason, renewal of interim contracts will not result in any growth-inducing impacts that will increase water demand during the up to two-year period of this renewal.

### **Land Use**

The renewal of contracts will not provide for additional water supplies that could act as an incentive for conversion of native habitat for increased acreage of agricultural production, municipal and industrial (M&I) development, or other activities. The amount and types of crops will vary according to the annual water allocation and farming practices, and a small quantity of irrigation use may be changed to M&I purposes where the existing contract and governing laws and regulations allow. Given the two-year period of this renewal analysis, there will be no net effect on land use. Therefore, there will be no significant impacts on land use from the Proposed Action.

### **Biological Resources**

The amount and timing of storage at Central Valley Project (CVP) reservoirs and flows in rivers and streams that convey CVP water during the two-year analysis period are expected to be similar to the amount and timing of storage and flows under historic CVP operations and will be in conformance with all existing biological opinions and with regulatory requirements. Renewal of the interim contracts will not cause changes in existing programs to protect biological resources, and programs will continue to be implemented to ensure that no significant impacts to biological resources will occur.

Reclamation has completed consultation with the U.S. Fish and Wildlife Service on these interim renewal contract actions. On February 19, 2010 and February 26, 2010, the USFWS issued Biological Opinions 2008-F-0944-2 and 2008-F-0538-3 for the nine interim renewal contracts listed in Table 1 which found the Proposed Action to be non-jeopardy and non-modification of

critical habitat. Biological Opinion 2008-F-0944-2 has an incorrect date stamp; however, it is clear from the context that this Biological Opinion applies to these contracts.

### **Cultural Resources**

The Proposed Action will not cause activities that could affect cultural resources, such as permanent changes in reservoir elevations, development of native habitat for agricultural or M&I use, or the construction of any new facilities. No significant impacts to cultural resources are expected.

### **Indian Trust Assets**

Continued delivery of CVP water to the existing contracts will not significantly impact any Indian Trust Assets because existing rights will not be affected, no physical changes to existing facilities are proposed, and no new facilities are proposed.

### **Socioeconomic Resources**

The renewal of interim CVP contracts will not cause changes from existing contracts in deliveries or pricing of CVP water, CVP facilities operations, CVP power generation and use, or recreation use, and therefore will not cause significant socioeconomic impacts.

### **Environmental Justice**

The Proposed Action will not cause changes in historical water supplies or CVP operations and, as a result, no changes in population, economics, or other indicators of social well being will result from the contract renewal. The Proposed Action will support continued agricultural production and therefore will not cause changes to employment of minority and low-income populations. No disproportionate impacts to minority or low-income populations are expected to occur as a result of renewing these contracts. There are no environmental justice implications from the Proposed Action. Therefore, there will be no significant impacts caused by the Proposed Action.

### **Cumulative Impacts**

The Proposed Action, when added to other past, present, and future actions does not result in additional diversions of water, or significantly impact biological, cultural, recreation or socioeconomic resources. Neither Indian Trust Assets nor disadvantaged or minority populations will be impacted. Water quality will not be degraded as a result of construction activities. The Proposed Action will involve no physical changes to the environment, no construction activities, and therefore, will not impact global climate change. Overall there will be no cumulative impacts due to this Proposed Action

Table 1 - Central Valley Project 2010 Interim Renewal Contractors

CVP Contractor	Contract Quantity (A/F)	Contract Purpose of Use	Water Shortage Reliability	Existing IRC Contract No.	Contract Expiration Date	2010 IRC Contract No.
<b>DELTA/SAN FELIPE DIVISION</b>						
Pajaro Valley Water Management Agency, Westlands Water District (District #1), Santa Clara Valley Water District (3-way assignment final 14 May 99)	6,260	Ag/M&I	Ag	14-06-200-3365A-IR12-B (SCV) (3-way assignment from MSWD: see Reclamation 1999 and 2004c)	2/29/2012	14-06-200-3365A-IR10-B (3-way assignment from MSWD: see Reclamation 1999 and 2004c)
<b>CROSS VALLEY CONTRACTORS</b>						
Fresno, County of	3,000	Ag/M&I	Ag	14-06-200-8292A-IR13	2/29/2012	14-06-200-8292A-IR14
Hills Valley Irrigation District	3,346	Ag/M&I	Ag	14-06-200-8466A-IR13	2/29/2012	14-06-200-8466A-IR14
Kern-Tulare Water District*	40,000	Ag/M&I	Ag	14-06-200-8601A-IR13	2/29/2012	14-06-200-8601A-IR14
Lower Tule River Irrigation District	31,102	Ag/M&I	Ag	14-06-200-8237A-IR13	2/29/2012	14-06-200-8237A-IR14
Pixley Irrigation District	31,102	Ag/M&I	Ag	14-06-200-8238A-IR13	2/29/2012	14-06-200-8238A-IR14
Rag Gulch Water District*	13,300	Ag/M&I	Ag	14-06-200-8367A-IR13	2/29/2012	14-06-200-8367A-IR14
Tri-Valley Water District	1,142	Ag/M&I	Ag	14-06-200-8565A-IR13	2/29/2012	14-06-200-8565A-IR14
Tulare, County of**	5,308	Ag/M&I	Ag	14-06-200-8293A-IR13	2/29/2012	14-06-200-8293A-IR14

Total

**134,560**

\*KTWD and Rag Gulch Water District have consolidated their two districts into one district, under KTWD's name through a contract assignment of Rag Gulch Water District's IRC to KTWD. Approval of the contract is pending. In essence, KTWD would be issued two IRC's – one as KTWD IRC (for 40,000 AF), and one as Rag Gulch Water District's assigned IRC (for 13,300 AF). As part of that assignment, KTWD has committed to maintain the effective separation of the two districts in terms of how much water is delivered and applied where, until the long-term water service contracts are negotiated and appropriate environmental compliance is complete.

\*\*Reclamation approval of the assignment is pending.